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OFFICE OF PETITIONS

In re Application of
Peck, et al.
Application No. 10/055,241
Filed: October 29, 2001
Attorney Docket No. 5150-63500
For: SYSTEM AND METHOD FOR
CONFIGURING A RECONFIGURABLE
SYSTEM

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION FOR OMITTED ITEMS 37 CFR 1.17(h)," filed June 11, 2002 (certificate of mailing date May 28, 2002), requesting, in effect, withdrawal of the Notice to File Corrected Application Papers (Notice), insofar as it pertains to pages 67, 128 and 139 being omitted on filing. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 29, 2001. On April 25, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that pages 67, 128, and 139 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that pages 67, 128, and 139 be accorded a filing date of October 29, 2001 on the basis that the allegedly missing pages 67, 128, and 139 were received in the Patent and Trademark Office (PTO) on October 29, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 29, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 128 pages of disclosure and 14 pages of claims.

The return postcard constitutes *prima facie* evidence that pages 67, 128, and 139 were filed on October 29, 2001. MPEP 503. Accordingly, the request is granted.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of October 29, 2001, using the copies of pages 67, 128, and 139 and 40 sheets of substitute drawings submitted with the instant petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.


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for Patent Examination Policy